

Washington University Law Review

Volume 25 | Issue 1

January 1939

Review of “Parole with Honor,” By Wilbur La Roe, Jr.

Walter B. Bodenhafer

Washington University in St. Louis

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

Walter B. Bodenhafer, *Review of “Parole with Honor,” By Wilbur La Roe, Jr.*, 25 WASH. U. L. Q. 149 (1939).
Available at: https://openscholarship.wustl.edu/law_lawreview/vol25/iss1/5

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

for such a course, such as an appraisal of the value and place of expert testimony⁶ and some of the critical comments on the present status of experts and expert testimony. The provisions of the California Code of Civil Procedure⁷ for appointment of expert witnesses by the court,⁸ and the Uniform Act recommended by the Commissioners on Uniform State Laws⁹ are set forth in full. The ethical attitude of the author toward the subject is above reproach. It is to be regretted that the author has not selected and developed completely the materials suitable for his announced purpose.

CHARLES E. CULLEN.†

PAROLE WITH HONOR. By Wilbur La Roe, Jr. Princeton: Princeton University Press, 1939. Pp. 295.

By vocation Mr. La Roe is a lawyer. But his avocations include a number of important community activities in Washington, D. C. Among the latter is his position as chairman of the parole board of the District of Columbia. We may assume then that he is versed in the law, has a genuine interest in his community, and what is more important here, has had a good deal of practical experience in parole administration. These qualifications are sufficient to entitle him to a respectful hearing.

The book is not designed to meet the needs of criminologists already familiar with the history, methods and results of parole. It would not afford them clues to any new methods of investigation nor new data from basic research problems in the field. Criminologists would be interested, however, in the theory and practice of parole systems as represented here. But Mr. La Roe is addressing a wider audience, the general public, the man in the street, and his work must be reviewed with that in mind. For the most part his data, chapter headings, use of concrete case histories, and language are pitched on a level consonant with his hoped-for audience.

One might say with the author, then, that the primary purpose of the book is "to give the average layman a better understanding of parole." To accomplish this purpose Mr. La Roe attempts to do several things: 1. to show that many adverse but widely held opinions about parole have no factual basis, 2. to give a simple, concrete picture, with illustrative case records, of how the parole system works, and, 3. to point out the defects in the laws and in the administration of parole which cause it to fall short of its potentialities and thus engender legitimate criticism.

First of all he takes up one by one some of the erroneous opinions about parole and attempts to clear them away. Space permits mere mention of some of them: that parole is a form of leniency and sentimentalism; that it floods the community with dangerous criminals; that most parolees are failures; that parole boards are sentimentalists, rely chiefly on guesswork,

6. Pp. 14-35; 324-332.

7. P. 15.

8. Pp. 15-20.

9. P. 329.

† Professor of Law, Washington University.

are frequently the dupes of adroit criminals, and ignore the welfare of the community. Such beliefs he finds not only common among average laymen but also back of much of the distrust, suspicion, and hostility expressed by the press, judges, police, and other influential members of the public. No attempt can be made here to summarize his data on these points. Suffice it to say that he succeeds in refuting most of the common errors with material sufficient to enlighten the ill-informed.

As suggested above, the author tries to set forth what he regards as the proper standards now in use in some places. He has in mind that the material collected will serve two purposes. In the first place it may help to correct some of the erroneous opinions just mentioned, at least in those jurisdictions where properly constituted and fairly efficient systems of parole are in operation. In the second place, he hopes the picture presented will tend, by contrast, to show up more distinctly the defects and shortcomings of the sub-standard system. His digest of the systems of all the states, given in the Appendix with critical comments, is particularly helpful on this point.

From his examination of the field Mr. La Roe is convinced that both the laws and their administration frequently fall short of reasonable standards. In so far as that is true, both foes and disillusioned friends of parole have factual grounds for objections. Hence he feels that such abuses, perversions and defects must be recognized. These are too numerous even to catalog here, let alone review. Some of them are: confusion of parole with executive clemency; vesting parole administration wholly or in part in the hands of the governor, penal boards, or prison officials; political appointments to parole boards and case working staffs; political influence in board decisions; improper and unwise practices employed in board hearings of cases, such as admission of relatives, friends, lawyers, reporters, and spectators; insufficient and untrained personnel; and, lack of coordination with prisons, the bench, and other appropriate agencies in the community. These things not only render parole inefficient but also make it much more difficult to sell it to the general public.

So far as the general theory of parole is concerned, Mr. La Roe recognizes that one of the crucial points at issue has to do with decisions determining eligibility for parole. He specifies certain criteria that he thinks are valid for this purpose and some that are not. This problem could be eliminated, of course, either by paroling nobody or by paroling everybody. He cannot accept the former as a principle. But he seems inclined to accept the latter, with limitations. His argument is that if the more hopeful cases need surveillance and supervision upon release, the less hopeful ones need it still more both for their own and society's good. To release the latter outright, as is now done, is folly. But he has a qualification at this point, namely, that there is a certain small percentage of prisoners that should never be released at all. In other words, their lot would be life imprisonment. This, of course, is now provided in the laws of all our states but it is based upon the nature of a past act, the offense, rather than on the probable future behavior of the offender. The latter is what Mr. La Roe has in mind. But here we meet again the same old difficulty

in somewhat different guise of separating the sheep from the goats. Mr. La Roe does not have a validated set of criteria for the purpose. For example, one of his tests, low intelligence, has been found to be worthless. It is rather strange that he does not refer to work of Burgess, Glueck, Vold, *et al.*, to construct prediction tables based upon statistical methods in order to determine their validity and reliability.

In one respect the book is unbalanced. It does not sufficiently elaborate the organization, methods, and techniques utilized by staffs of workers who have actual supervision of the parolees. We are informed of the necessity of adequate numbers and adequate training and proper methods, but a more detailed and separate account would be helpful. The layman might assume that these are simple, common sense details, but the evidence at hand shows that they are far from simple. As a matter of fact, procedures and methods used by parole officers and staffs are still to be measured to determine their effectiveness. But they could be described as they are.

Going back now to the stated purpose of the book, we might ask whether the writer has achieved his goal. Has he given the "average layman" a better understanding of parole? His description of the parole picture is sufficiently accurate and comprehensive; and yet the cynic might say that it is extremely improbable that the average layman can be given a better understanding of anything not in conformity with the folkways. But Mr. La Roe is not responsible for that and apparently does not believe it.

WALTER B. BODENHAFFER.†

CURRENT PUBLICATIONS

- Anti-Chain Store Tax Legislation. By Maurice W. Lee. Chicago: University of Chicago Press. Pp. ix, 80. \$1.00.
- Arson, Law of. By Arthur F. Carter. Buffalo: Dennis & Co. \$15.00.
- Bankruptcy Manual. By J. W. Moore. Albany: Matthew Bender & Co. Pp. xxii, 1271. \$15.00.
- Civil Aeronautics Act Annotated, The. By Charles S. Rhyne. Washington: National Law Book Co. Pp. xiv, 324. \$5.00.
- Civil Service Law. By Oliver P. Field. Minneapolis: University of Minnesota Press. Pp. ix, 286. \$5.00.
- Collective Labor Agreement, The. By Elias Lieberman. New York: Harper & Bros. Pp. xii, 233. \$3.00.
- Constitutionalism and the Changing World. By C. H. McIlwain. Cambridge: Cambridge University Press. New York: The Macmillan Co. Pp. viii, 312. \$4.50.
- Corporate Suretyship. By G. W. Crist, Jr. New York: McGraw-Hill Book Co. Pp. xi, 439. \$4.50.
- Corporations, Cases and Materials on the Law of. By Henry W. Ballantine and Norman D. Lattin. Chicago: Callaghan & Co. Pp. xxxii, 917. \$6.00.

† Professor of Sociology, Washington University.